

Texas EMS Update

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Texas Technology Showcase

**Environmental Management Systems,
Pollution Prevention &
Energy Efficiency**

March 18, 2003

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Background

- Legislative Mandate: A comprehensive program that provides regulatory incentives to encourage the use of EMSs
- Codified in December 2001 under Chapter 90 - Regulatory Flexibility, Subchapter C: Regulatory Incentives for using EMSs.

Incentives for Performance

➤ Incentives

- ❖ Changes in requirements that do not increase emissions or discharges
- ❖ Assistance/Access
- ❖ Compliance History

➤ Performance

- ❖ Reductions in water, energy, waste, emissions
- ❖ Enhanced compliance
- ❖ Reduced Risk

Incentives for Performance

➤ Incentives

- ❖ Recognize enhanced management by reducing oversight and paperwork
- ❖ Public recognition and assistance
- ❖ Incentives cannot increase pollution or reduce public participation

Basic Criteria

- Policy
- Aspects
- Goals
- Responsibility
- Documentation
- Results and Evaluation

Leader

- More results that go beyond legal requirements
- Stakeholder involvement
 - ❖ Related to sites environmental impact
- Community outreach
 - ❖ Related to local environmental need

Evaluation Approach

- Look at results and performance and tie back to elements of EMS
- On-site walk-through, observation and interviews are key
- Not a compliance investigation

Steps to Participate

- Intent to Participate
- Request for Evaluation
- Evaluation by TCEQ or Third Party

Evaluation Steps

- Pre-assessment review and audit planning
- On-site evaluation
- Technical review and decision

Third Party Evaluation - In Development

- Certification: ANSI, BEAC, IRCA
- Independence: consulting restriction two years; free from financial and management conflict of interest
- Protocols and documentation must follow TCEQ standards

Third Party Evaluation - In Development

- Recommend joint evaluation with TCEQ
 - ❖ Reduces duplicative evaluation oversight
- Recommend under ISO14000 to use first monitoring audit
 - ❖ Initial ISO14000 certification often does not focus enough on results

Progress Summary

- Incentives
- Training and Outreach
- Integration of EMS throughout agency
- Peer Center
- Border Initiative
- Small Business Model
- Mock audits and audit training
- Key staff assignments

Incentives

- Memorandum of Agreement Signed with EPA (February 2002)
- Presentation of Incentives Package at Work Session (August 2002)
- EPA's NEPT Proposal for Federal Incentives (August 2002)
- TCEQ Comments on NEPT Proposal (November 2002)

Progress on Specific Incentives - Mostly done

- Reduced Fees on Training (being implemented)
- Exemption from P2 Planning (rule has been proposed)
- Positive consideration under compliance history (10% credit has been adopted in rule)

Progress on Specific Incentives - Mostly done

- Extended hazardous waste storage (EPA has proposed)
- Reduced MACT reporting and elimination of “once in always in” provision (EPA has proposed)
- Flexibility for POTWs (EPA has proposed)

Progress on Specific Incentives - Mostly done

- Use of Logo
- One point of contact for Innovations
- Waive permit fees if action part of granting an incentive
- Reduce qualifications for PEMS (approval through air permitting process)

Progress on Specific Incentives - Under Development

- Additional notice for Inspections (under development)
- Reduced Inspections (under development)
- Stringency Evaluations, e.g., LDAR (needs requests)
- Streamline permit requirements with federal overlap (Ch 115 or 117)

Progress on Specific Incentives

-Need more work

- Under Title V allow for alternative scenarios
- Reduce reporting under DMR (water)
- Expedited permitting

Strategically Directed Regulatory Structure (SDRS) 30 TAC Chapter 90, Subchapter D

- Incentives Based on
 - ❖ Compliance History
 - ❖ Voluntary Programs
- Performance beyond that required by Rule
- Expect Proposal around February, 2003

Training and Outreach

- 3-day implementation training (Clean Texas members or EMS members)
- 1-day training for stakeholders and other partners
- Training for POTWs and Small Businesses

Integration of EMSs at TCEQ

- Compliance History
- Penalty Policy
- Permitting

Key Staff Assignments

- Incentives - Susan Roothaan
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Next Steps

- Additional Mock Audits
- Audit Training
- EMS Training for Regulated Entities
- Audit Protocols
- Application and Pre-assessment procedures
- Alignment with NEPT
- Third party audit standards